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Application No. UP-667-05

Providence Classical School

Application No. UP-667-05 is a request to amend the conditions of a previously approved Special Use Permit [Application No. UP-591-02, Resolution No. 02-14(R)]. The requested amendment would increase the maximum enrollment from 111 to 140 students.

The staff is recommending approval.

Attachments:

1. Staff Report
2. Zoning map
3. Vicinity Map
4. Survey Plat
5. Proposed Resolution No. PC05-22

COUNTY OF YORK

MEMORANDUM

DATE: May 3, 2005 (PC Mtg. 5/11/05)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. UP-667-05, Providence Classical School

ISSUE

This application seeks to amend the conditions of a previously approved Special Use Permit [Application No. UP-591-02, Resolution No. R02-14(R)] authorizing the establishment of a private school on a 1.95-acre parcel of land located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11. The requested amendment would increase the maximum enrollment from 111 to 140 students. The 29 additional students would attend classes in the Ascension of Our Lord Byzantine Catholic Church located on a 0.69-parcel at 114 Palace Lane and further identified as Assessor's Parcel No. 9-12.

DESCRIPTION

- Property Owner: Hugh A. West
- Location: 116 Palace Lane (Route 690)
- Area: Approximately 1.95 acres
- Frontage: Approximately 194 feet on Palace Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Buseinss
- Zoning Classification: LB – Limited Business
- Existing Development: Providence Classical School
- Surrounding Development:
 - North: Single-family detached homes (Greensprings subdivision)
 - East: Single-family detached home and Palace Plaza Shops
 - South: Ascension of Our Lord Byzantine Catholic Church (across a 40' right-of-way parcel)

West: Hampton Inn, four-story office building (northwest)

- Proposed Development: Increase in maximum allowable enrollment from 111 to 140 students.

CONSIDERATIONS/CONCLUSIONS

1. On February 5, 2002, the Board of Supervisors approved a Special Use Permit (Application No. UP-591-02) to authorize the establishment of a private school – Providence Classical School – in an existing building subject to conditions set forth in Resolution No. R02-14(R). One of these conditions limits the maximum school enrollment to 111 students and specifies that if the school wishes to increase its enrollment to more than 111 students, an application for an amendment to the Special Use Permit shall be required. This condition further specifies that such an application must be accompanied by a traffic impact analysis. The school currently has 90 students and is seeking permission to increase its maximum allowable enrollment from 111 to 140 students. Although the school building has sufficient capacity for up to 144 students, the applicant has indicated that a maximum of 111 students would attend classes in the existing school building while up to 29 students would attend classes in the Our Ascension Byzantine Catholic Church located next door to the school (across an existing private gravel driveway). This is primarily to separate the older grades from the younger grades. Students in grades 6, 7, and 8 would attend class in the church. The school offers instruction in kindergarten through 7th grade and plans to add an 8th grade in the 2005-06 school year. Hours of operation are 8:00 AM to 3:30 PM Monday through Friday. Classes begin at 8:15 AM and end at 2:45 PM; kindergarten classes run from 8:15 AM to 12:15 PM.
2. The subject property is zoned conditional LB (Limited Business) and the church property is zoned GB (General Business). The conditions applicable to the LB zoning, which prohibit a number of uses that would otherwise be permitted, were voluntarily proffered by the property owner in connection with a rezoning application that was approved in 2002 in conjunction with the original use permit application authorizing the school. Private schools require a Special Use Permit in the LB zoning district but are permitted as a matter of right in the GB district. Therefore, the school does not need approval from the County to hold classes in the adjacent church building. The school property abuts a four-story office building to the north and the Greensprings subdivision to the east; a single-family detached home and a small shopping center are across Palace Lane from the school.
3. Providence Classical School provides no bus transportation; parents are responsible for transporting their children to and from school. The school has two access points – a one-way entrance and a one-way exit – on Palace Lane, which runs between Bypass Road (Route 60) and Caran Road. During the review of the initial use permit application for the school, staff was concerned about the possible use of Caran Road, which is a local subdivision street, by non-residential traffic. The concern was that parents driving to the school from the west either via eastbound Bypass Road or via Mooretown Road, would be inclined to shorten their route by accessing Palace Lane

from Waller Mill Road via Caran Road. To address this concern, the school established a policy requiring all student drop-off and pick-up trips to be made via Palace Lane from Bypass Road. To enforce this policy, the school developed an identification sticker system for parents' vehicles, which allows Caran Road residents – and County enforcement staff – to observe and notify the school of the license plate number of any offending vehicles. Repeat violators would lose their privileges to attend the school. The approving Resolution for the use permit included a condition requiring the school to adopt and enforce this policy as well as an additional condition requiring the school to establish appropriate circulation controls – such as turn restrictions and/or one-way limitations – at the two entrances to minimize the potential for school-related traffic to use Caran Road. The school has implemented these measures and they appear to have been largely successful. According to the school administrator, the school has received no complaints from neighboring residents about school-related traffic since the school first occupied the building in September 2002. Likewise, the County's Development and Compliance Division has received no complaints of any kind about the operation of the school. However, it should be noted that traffic counts taken by the applicant's traffic engineer indicate that there are a small number of vehicles, almost all of them after the beginning of classes at 8:15 AM, that access or have accessed the school via Caran Road. The school administrator has been advised of this and plans to remind parents of the policy prohibiting school traffic on Caran Road.

4. A traffic impact analysis is typically required for any proposed development that would generate over 1,000 trips per day or over 100 in either the AM or PM peak hour. (Since the school closes at 3:30 PM, there are no PM peak-hour trips.) At the time of its original application, the school's estimated enrollment was 50-60 students, which would generate only 54 peak-hour trips; therefore, no traffic study was required. According to the Institute of Transportation Engineers (ITE) *Trip Generation* manual (7th edition), the warrant for a traffic study would be met when enrollment reaches 111, so the Resolution of approval for the original use permit set the maximum enrollment at that level and specified that any increase above 111 would require submission of a traffic impact analysis.

The traffic impact analysis submitted by the applicant is based on a maximum enrollment level of 180, although the school is only seeking to increase its enrollment to a maximum of 140 students. Thus it reflects something beyond the "worst-case scenario" with regard to traffic generation. Based on existing trip generation rates at the school, the proposed increase of 29 students would generate approximately 31 additional trips in the AM peak hour (or 95 additional trips under the hypothetical 180-student scenario.) The analysis shows that a 69-student increase would have only a negligible impact on the Level of Service at the intersection of Bypass Road and Palace Lane; the impact of the proposed 29-student increase would be even less. Staff and the Virginia Department of Transportation concur with this conclusion.

5. A privately owned gravel driveway of variable width ranging from 16' to 24' exists on a 40' right-of-way parcel that lies between the school property and the church property and is owned by the owner of the adjacent office building to the west that

fronts on Waller Mill Road. Students attending classes in the church would walk across this driveway to attend classes in the church. The driveway is in very poor condition and is not widely used.

This gravel drive currently connects Palace Lane to the parking lot of the office building, making it possible to drive between Palace Lane and Waller Mill Road. This posed a safety concern during the review of the original use permit. According to the approved site plan for the office building, this driveway was not to be connected to the parking lot and through traffic was not to be permitted. When this discrepancy was discovered in 2002, the County's zoning compliance staff notified the property owner of the need to correct the site plan violation and "disconnect" the gravel drive, which was accomplished. The gravel drive has since been "reconnected," and the property owner has again been notified by the County's Zoning and Code Enforcement staff of the need to establish and maintain a *permanent* barrier, which will likely involve the installation of curbing supplemented by landscaping. Once this is done, through traffic flow between Palace Lane and Waller Mill Road will not be possible. It has also been noted that the chain that previously prevented access between the gravel drive and the school's rear parking lot has recently been removed by the owner of the office building. In order to prevent any school-related traffic on the gravel drive, staff recommends that as a condition of approval for the use permit amendment, the school be required to re-install the chain or some other physical barrier to prevent access to and from the parking lot.

RECOMMENDATION

Providence Classical School has operated in its current location for almost three years with no complaints or reports of any adverse impacts on neighboring residential properties. The school has demonstrated its compatibility with the surrounding area, and staff does not believe the proposed 29-student increase will alter that compatibility or have a significant impact on traffic. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC05-23. Staff has not proposed a condition requiring the additional 29 students to attend classes in the church. As noted, the school building has sufficient capacity for up to 144 students, but the applicant wishes to use the church to provide for separation between the elementary and middle school grades.

TCC

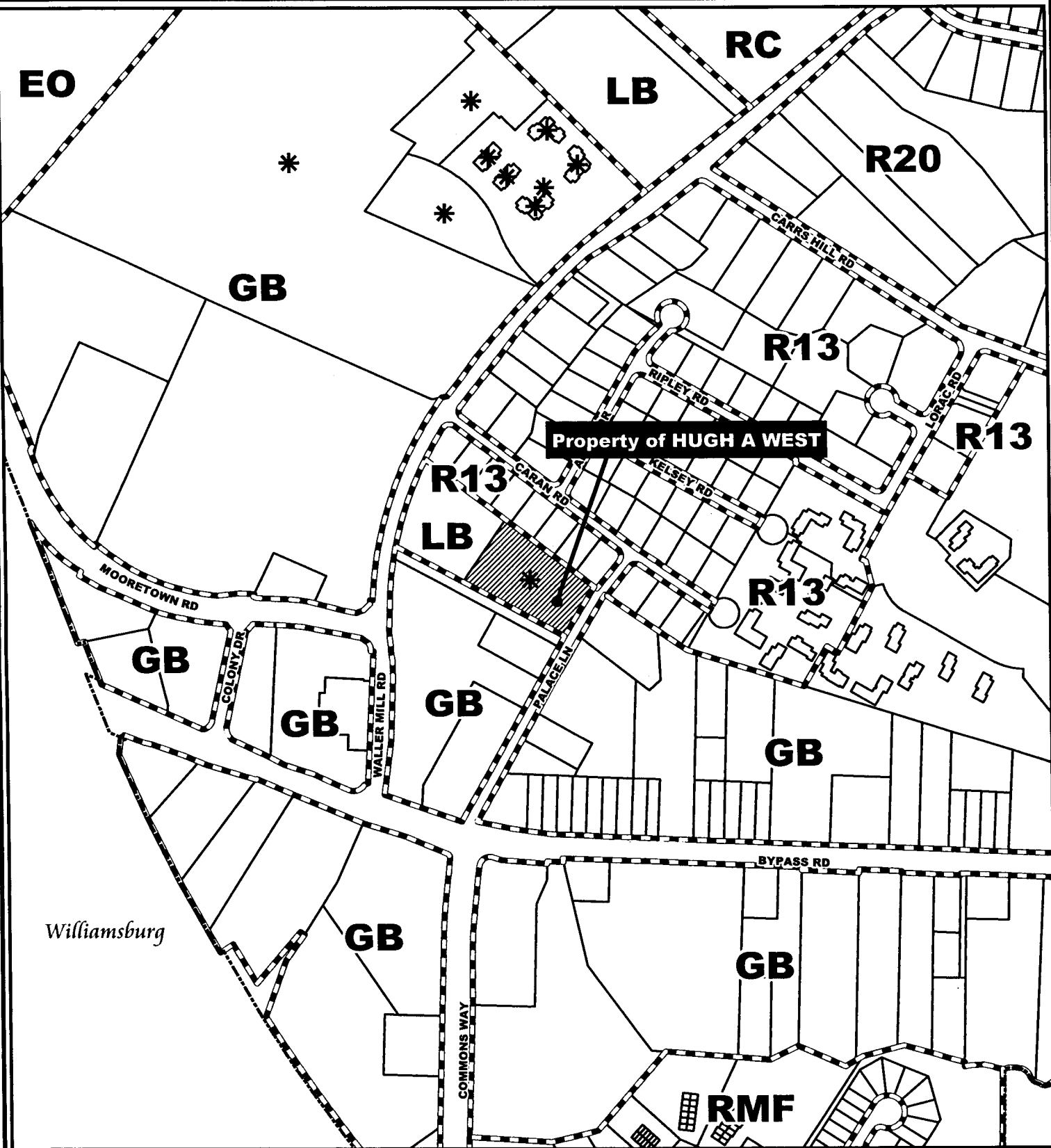
Attachments

- Zoning Map
- Vicinity Map
- Survey Plat
- Proposed Resolution PC05-23

APPLICANT
Providence Classical School
Amend use permit condition to increase enrollment
116 PALACE LN

ZONING MAP

APPLICATION NUMBER: UP-667-05



* = Conditional Zoning

0 225 450 900 Feet

Printed on April 13, 2005



LIBRARY TILE NUMBER:

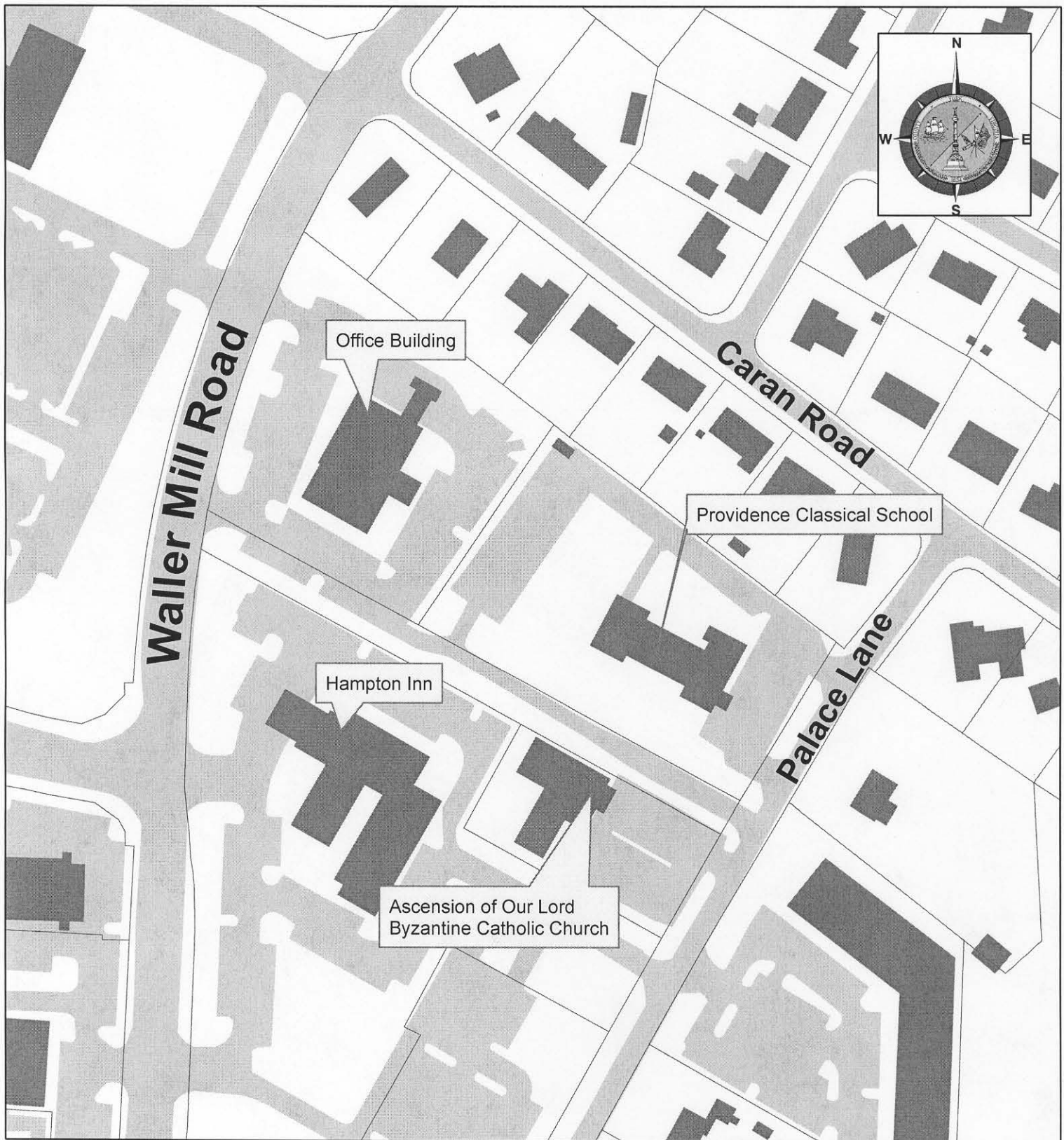
Lr003

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

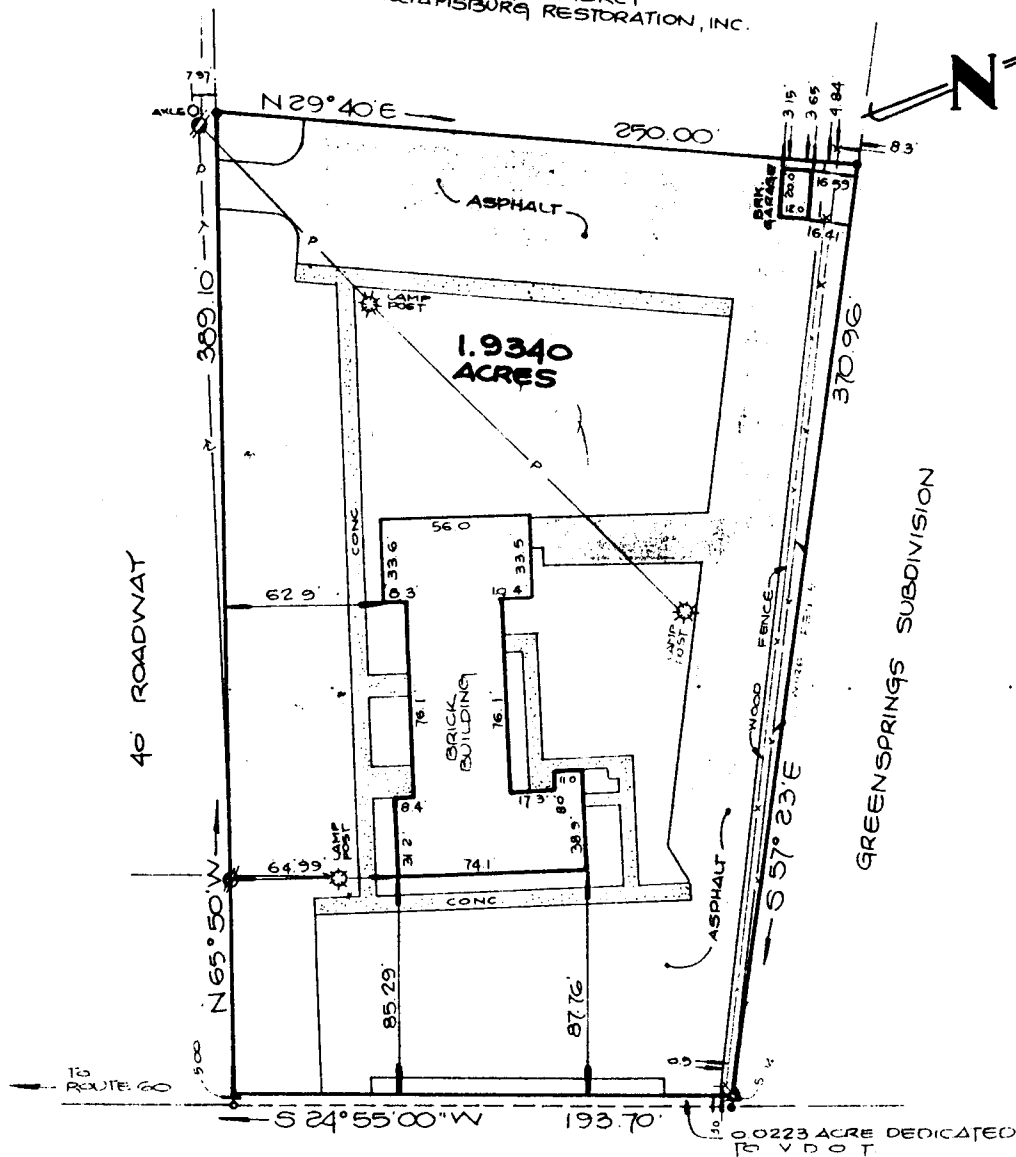
THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

Application No. UP-667-05

Providence Classical School



NOW OR FORMERLY
WILLIAMSBURG RESTORATION, INC.



PALACE LANE

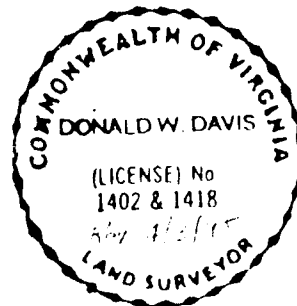
NOTE: UTILITIES UNDERGROUND

SYMBOLS:

- PIPE FOUND
- PIPE SET
- ROD FOUND
- CONC. MONUMENT

NOTE:

PROPERTY SHOWN HEREON IS
LOCATED IN ZONE X AS SHOWN
ON FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER
510182 00253 EFFECTIVE DATE
DEC. 16, 1983



I, Donald W. Davis
HEREBY CERTIFY THAT THE
SURVEY REPRESENTED BY THIS
PLAT WAS MADE BY ME ON
THIS DATE AND IS CORRECT
TO THE BEST OF MY KNOW-
LEDGE AND BELIEF THERE ARE
NO ENCROACHMENTS OF BUILD-
INGS UNLESS SHOWN HEREON.

DAVIS & ASSOCIATES
SURVEYORS & PLANNERS
YORK COUNTY, VIRGINIA

JOB LOCATION # 116 PALACE LANE

PLAT OF THE PROPERTY OF:

HUGH A. & MARJORIE P. WEST

PARCEL OF LAND
CONTAINING 1.9340 ACRES

AS SHOWN ON PLAT SHOWING SURVEY OF A PARCEL
OF LAND FOR CONVEYANCE BY- C.H. LAWSON &
PAULINE S. LAWSON TO VIRGINIA STAKE OF THE
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
BRUTON DISTRICT COUNTY OF YORK, VA.

CODE: 87-1480

DWN.BY-NP

SCALE: 1" = 60'

TO: MXXRE

DATE: 29 AUG 87

REVISED 3 APRIL 95

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Andrew A. Simasek, Chair
Alfred E. Ptasznik, Jr., Vice Chair
Alexander T. Hamilton
John W. Staton
Nicholas F. Barba
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO AMEND A SPECIAL USE PERMIT BY INCREASING THE MAXIMUM ALLOWABLE ENROLLMENT FROM 111 TO 140 STUDENTS AT A PREVIOUSLY APPROVED PRIVATE SCHOOL LOCATED AT 116 PALACE LANE

WHEREAS, on February 5, 2002, the York County Board of Supervisors approved Application No. UP-591-02 to authorize a Special Use Permit for the establishment of a private school on a 1.95-acre parcel of land located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11; and

WHEREAS, Providence Classical School has submitted Application No. UP-667-05, which requests to amend the conditions of the above-referenced Special Use Permit, which are set forth in Resolution No. R02-14(R), by increasing the maximum enrollment from 111 to 140 students; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2005 the Application No. UP-667-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the conditions of approval for Application No. UP-591-02 set forth in Resolution No. R02-14(R) by increasing from 111 to 140 students the maximum allowable enrollment at a private school located on a 1.95-acre parcel at 116 Palace Lane (Route 690), further identified as Assessor's Parcel No.9-11, subject to the following conditions:

1. This approval shall authorize amendment of the conditions of approval for Application No. UP-591-02, set forth in Resolution No. R02-14(R), to increase the maximum allowable school enrollment from 111 to 140 students. Providence Classical School shall submit enrollment data in writing to the Planning Division no later than October 1 annually.
2. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit amendment shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
3. Providence Classical School shall be responsible for installing curbing, wheel stops, landscape timbers, a chain, or some other physical barrier to prevent access between the school's rear parking and the adjacent gravel driveway.